

REMARKS

The Applicant has carefully reviewed the Office Action of February 24, 2003. In response the Applicant amends claims 2, 4, 10, 14, 16 and 21 to include proper Markush language. Additionally, claim 7 is amended to correct a punctuation error. Further, new claims 24 and 25 are submitted for the review and approval of the Examiner.

With the amendment to claims 2, 4, 10, 14, 16 and 21, it is believed that all the claims now meet the requirements of 35 USC § 112 and, accordingly, that rejection of the claims should be withdrawn. Proper Markush group language now appears in all the relevant claims.

In addition, it should be appreciated that all the pending claims patentably distinguish over the prior art of record including U.S. Patents 4,267,993 to Shimizu et al. and 6,447,047 to Marcovecchio et al. as cited and applied by the Examiner.

More specifically, claim 1 reads on a vehicle trim panel/radiator element integral unit comprising a multi-layer substrate. That substrate is formed so as to have a first region compressed to a first thickness and a second region having a second thickness which is greater than the first thickness. As further presented in claim 1 the first region defines an audio speaker radiator element and the second region is integral with that first region.

The Shimizu et al. patent discloses a structural arrangement for mounting a speaker unit to a vehicle panel. The device includes a speaker supporter section 28 including a catch portion (note resilient tangs 36a and 36b in Figure 6) that receive and hold a speaker unit 10 including a magnet case 42 and a diaphragm housing 44.

What must be appreciated is that the Shimizu et al. reference does not disclose any form of audio speaker radiator element much less an audio speaker radiator element made from a multi-layer substrate with regions of different thicknesses as claimed in claim 1 of the present application. Accordingly, the Shimizu et al. reference fails to provide any basis for the rejection of claim 1 under 35 USC § 102 or even 35 USC § 103.

Accordingly, Applicant submits that claim 1 patentably distinguishes over this reference and should be allowed. This is also true with respect to claim 11 which depends from claim 1 and is allowable for the same reasons.

Applicant also submits that independent claim 12 patentably distinguishes over the Shimizu et al. reference. Claim 12 reads on a vehicle trim panel/radiator element combination comprising a first substrate having at least one rib and at least one opening adjacent to the rib. That first substrate defines a vehicle interior trim panel. Additionally, the combination includes a multi-layer second substrate comprising a core layer and at least one outer layer. The second substrate is located so as to extend at least partially over the opening and is secured to the at least one first substrate rib. Further, claim 12 provides that the second substrate defines an audio speaker radiator element.

It should be appreciated that the Shimizu et al. reference discloses a speaker supporter positioned behind a dashboard or door trim panel. As disclosed the speaker supporter holds a speaker unit. The Shimizu et al. reference does not disclose any form of audio speaker radiator element as claimed in claim 12 nor would it be obvious to modify the Shimizu et al. element to form such an audio speaker radiator element since Shimizu explicitly teaches a holder for a complete speaker unit. In the presence of a complete speaker unit an audio speaker radiator element would essentially serve no useful function. Accordingly, Applicant submits that claim 12 patentably distinguishes over this art.

Claim 13 depends from claim 12 and should be found to be allowable for the same reasons.

Applicant submits that Claims 1-6 and 8-21 are also patentably distinct from the Marcovecchio et al. reference. The Marcovecchio et al. reference discloses a trim panel in a vehicle door including a receptacle 34 for holding a loudspeaker 36 (see Figure 4 and note the text of the Marcovecchio et al. patent at column 5 lines 30-33). Marcovecchio et al. does not disclose any form of audio speaker radiator element much less an audio speaker radiator element formed from a first relatively compressed region of a multi-layer substrate as set forth in claim 1 of the present

application. Accordingly, Applicant submits that claim 1 patentably distinguishes over the Marcovecchio et al. patent and should be formally allowed.

Claims 2-11 which depend from claim 1 and are rejected upon the same grounds are submitted to be allowable for the same reasons. The Marcovecchio et al. patent does not disclose any form of audio speaker radiator element much less the claimed structure made from the materials and thicknesses explicitly set forth in these additional claims. Accordingly, Applicant requests that claims 2-11 also be allowed.

Independent claim 12 reads on a vehicle trim panel/radiator element combination including a multi-layer second substrate that defines an audio speaker radiator element. As noted above the Marcovecchio et al. patent does not teach or suggest any form of audio speaker radiator element much less an audio speaker radiator element as claimed. Accordingly, Applicant submits that claim 12 patentably distinguishes over this reference and should be allowed.

Claims 13-23 which depend from claim 12 and are rejected on the same grounds and Applicant submits that these claims are allowable for the same reasons. Claims 13-23 include additional limitations not taught by Marcovecchio et al. relating to materials and thicknesses that further support their allowability.

Applicant submits that Claims 2-11 and 13-23 also all patentably distinguish over a combination of the Shimizu et al. and Marcovecchio et al. patents. As noted above, neither of these cited references teach or suggest any form of audio speaker radiator element much less a radiator element constructed from the materials and with the thicknesses set forth in these claims. Accordingly, claims 2-11 and 13-23 should be considered to patentably distinguish over this art and be formally allowed.

New claims 24 and 25, submitted with this Amendment are submitted to patentably distinguish over the Shimizu et al. and Marcovecchio et al. patents. More specifically, claim 24 depends from claim 1 and provides that the invention further includes an electro-mechanical drive device coupled to the audio speaker radiator element.

Claim 25 corresponds to claim 24 but depends from the other independent claim 12. As noted above, the Shimizu et al. and Marcovecchio et al. patents disclose vehicle panels that include receptacles or catches for holding complete loudspeaker units. Neither of the references discloses any form of audio speaker radiator element or an electro-mechanical drive device coupled to such an audio speaker radiator element. Accordingly, Applicant submits that the references provide no basis for the rejection of the new claims.

In summary, it is submitted that all the pending claims patentably distinguish over all the prior art of record and should be formally allowed. Upon careful review and consideration of the claims in view of these comments, it is believed the Examiner will agree with this proposition. Accordingly, the early issuance of a formal Notice of Allowance is earnestly solicited.

If any fees are required pertaining to this response, Applicant requests that they be charged to Deposit Account No. 50-0568.

Respectfully submitted,



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